

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Emery et al.

Docket No.: 293.00010102

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

Assistant Commissioner for Patents  
Mail Stop **PATENT APPLICATION**  
P.O. Box 1450  
Alexandria, VA 22313-1450

17510 U.S. PTO  
10/749602  
123103

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ **UTILITY PATENT APPLICATION** including:
- ☒ Specification (46 consecutively numbered pgs, including 66 claims on 10 consecutively numbered pgs and a 1 pg Abstract);
  - ☒ Drawings (5 figures on 3 sheets);
  - ☐ A copy of the signed Combined Declaration and Power of Attorney filed in the prior application (   pgs).
  - ☒ Application Data Sheet (2 pgs).
  - ☒ An itemized return postcard.
  - ☐ A certified copy of a    application, Serial No.   , filed   , the right of priority of which is claimed under 35 U.S.C. §119.
  - ☐ Computer readable form of "Sequence Listing." Applicants state that the paper copy form of the "Sequence Listing" section of the present application, and the computer readable form submitted herewith, are the same.
  - ☒ Other: Request for Filing a Divisional Patent Application under Rule 1.53(b) - (3 pgs); Preliminary Amendment (3 pgs); and a copy of the Election under 37 C.F.R. §3.71, Revocation, Power of Attorney, and Certification under §3.73(b) filed in the prior application (5 pgs).
  - ☒ A check in the amount of \$1,770 to pay the filing fee, which is calculated below:

APPLICATION FILING FEE					
	Number of Pending Claims (1)	Claims Included in Basic Filing Fee (2)	Number of Extra Claims (1-2)	Cost per Extra Claim	Fee Required
Total Claims	66	- 20 =	46	x \$18 =	\$828
Independent Claims	5	- 3 =	2	x \$86 =	\$172
One or More Multiple Dependent Claims Presented? If Yes, Enter \$290 Here →					\$0
Enter Basic Filing Fee (Utility Patent-\$770) Here →					\$770
<b>Total Application Filing Fee</b>					<b>\$1,770</b>

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

MUETING, RAASCH & GEBHARDT, P.A.  
Customer Number: 26813

By: David L. Provence  
Name: David L. Provence  
Reg. No.: 43,022  
Direct Dial: 612-305-1005  
Facsimile: 612-305-1228

**CERTIFICATE UNDER 37 CFR §1.10:**

"Express Mail" mailing label number: **EV 073687378 US**

Date of Deposit: **DECEMBER 31, 2003**

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By: SAM HER  
Name: **SAM HER**

(LARGE ENTITY TRANSMITTAL UNDER RULE 1.10)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket Number	Anticipated Classification		Prior Application	
293.00010102	Class	Subclass	Examiner Patricia A. Patten	Art Unit 1654

**REQUEST FOR FILING A DIVISIONAL PATENT APPLICATION  
UNDER RULE 1.53(b)**

Assistant Commissioner for Patents  
Mail Stop PATENT APPLICATION  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR §1.53(b) of Serial No. 09/449,271, Confirmation No. 6070, filed on November 24, 1999, entitled IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT by the following inventor(s) (name, address, and citizenship):

**Darryl A. EMERY**  
8990 Riverwood Circle  
New London, MN 56273  
Citizenship: US

**Darren E. STRAUB**  
16189 Gulfview Road  
New London, MN 56273  
Citizenship: US

1. ☐ Enclosed is a copy of the specification (including claims, abstract, and drawings) as filed in the prior application.
2. ☒ Enclosed is a new specification (including claims and abstract). The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference. No new matter has been added.
3. ☐ Enclosed is a copy of the Declaration and Power of Attorney filed in the prior application.
4. ☒ Enclosed is a copy of the Election under 37 C.F.R. §3.71, Revocation, Power of Attorney, and Certificate under §3.73(b) filed in the prior application.
5. ☐ Enclosed are Replacement Drawings (☐ sheets).
6. ☐ Before calculating the filing fee, cancel in this application claims \_\_\_\_\_, as described in the attached Preliminary Amendment. (At least one independent claim must be retained for filing purposes.)

Filed: Herewith

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT7. ☒ A preliminary amendment is enclosed.8. ☒ The filing fee is calculated below:

CLAIMS AS FILED			
NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$770
Total Claims 66-20 =	46	\$18	\$828
Independent Claims 5-3 =	2	\$86	\$172
MULTIPLE DEPENDENT CLAIM PRESENTED		\$290	\$0
FILING FEE:			<b>\$1,770</b>

9. ☒ A check in the amount of \$1,770 is attached.10. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-4895.11. ☐ This application is being filed by less than all of the inventors named in the prior application. Please delete the names of the following inventor(s) who are not inventors of the invention claimed in the present application:12. ☐ Priority of foreign application Serial No. \_\_\_, filed on \_\_\_ in (country) \_\_\_ is claimed under 35 U.S.C. §119.13. ☒ The prior application is assigned of record to Willmar Poultry Company, Inc.14. ☒ The Power of Attorney in the prior application is to:

**David L. Provence**  
 Mueting, Raasch & Gebhardt, P.A.  
 P.O. Box 581415  
 Minneapolis, MN 55458-1415  
**Customer Number 26813**

15. ☐ Small Entity Status is entitled to be asserted in the above-identified application.16. ☒ Application Data Sheet.

Filed: Herewith

Title: IN OVO DELIVERY OF AN IMMUNOGEN CONTAINING IMPLANT

**Address all future communications to:**

MUETING, RAASCH & GEBHARDT, P.A.  
P.O. Box 581415  
Minneapolis, Minnesota 55458-1415  
**Customer Number 26813**

Attn: David L. Provence  
(Telephone: 612-305-1220)  
(Facsimile: 612-305-1228)

Date: December 31, 2003

David L. Provence

David L. Provence  
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"Express Mail" mailing label number: **EV 073687378 US**

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Sam Her

Name: SAM HER